

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

RECEIVED

MAY 29 1992

Federal Communications Commission  
Office of the Secretary

In the Matter of )  
 )  
Amendment of Parts 2 and 90 )  
of the Commission's Rule to Permit )  
Increase Frequencies in the )  
0156-162 MHz Bands by Industrial )  
and Land Transportation Private )  
Land Mobile Radio Services )

RM-7956

To: The Commission

**OPPOSITION OF AMERICAN COMMERCIAL LINES, INC.**  
**TO PETITION FOR RULEMAKING**

American Commercial Lines, Inc. (ACL) respectfully hereby submits its comments in opposition to the Petition of the Council of Independent Communication Suppliers (CICS) seeking access by land mobile users in the industrial and Land Transportation Radio Services to the VHF radio spectrum allocated to the maritime Radio Services.<sup>1/</sup>

I. Statement of Interest

American Commercial Lines, Inc., is the parent of both American Commercial Barge Line Company (ACBL) and Waterway Communications System, Inc. (WATERCOM). ACBL is

<sup>1/</sup> By letter dated May 7, 1992, the Chief, Special Services Division, Private Radio Bureau, advised that comments would be accepted until May 29, 1992.

No. of Copies rec'd 074  
List A B C D E

the largest operators of barge and towing services on the inland waterway transportation network. As such, ACBL itself utilizes the frequencies allotted for port operations use pursuant to Section 80.373(f) of the Commission's rules. Additionally, ACBL's vessels utilize the VHF public correspondence service, particularly when operating on the Missouri, Tennessee-Tombigbee and similar rivers and waterways.

WATERCOM is the communications arm of ACL. WATERCOM renders maritime public correspondence service in the VHF maritime mobile band, in addition to operating both the WATERCOM Automated Maritime Telecommunications System and offering single sideband service in the MF and HF bands. The CICS proposals accordingly is of interest to ACL due to the potential impact upon WATERCOM's VHF public correspondence stations as well as upon ACBL's towing services.

## II. Comments

CICS has proposed that land mobile users be allowed to access the maritime mobile band to operate on frequencies 12.5 kHz offset from port operations and public coast station channel allotments. The premise of the CICS petition is that maritime stations do not operate in areas

such as Lincoln, Nebraska, and the states of Colorado, Nebraska, North Dakota, Montana and Kansas.<sup>2/</sup> CICS seeks access to the maritime band in such areas to meet the needs of its members who are located in small and rural communities.<sup>3/</sup> The premise of the CICS petition is that land mobile users can take advantage of the frequencies allocated to the maritime service in non-maritime operating areas and that such utilization can be effectuated "without reducing maritime users' interference protection or impinging the growth of maritime services."<sup>4/</sup>

Unfortunately, the proposal advanced by CICS does not reflect its underlying premise which ACL views must be the overriding principle governing land mobile access to the maritime mobile band, namely that land mobile utilization can be achieved "without reducing maritime users' interference protection or impinging the growth of maritime services." Of the four conditions proposed by CICS to protect the maritime service i.e., channeling 12.5 kHz offset from maritime channels, 50 miles separation between "any existing land station in the maritime service and any

---

<sup>2/</sup> CICS petition at p. 3 and 4.

<sup>3/</sup> Id. at n. 1.

<sup>4/</sup> Id. at p. 4.

I/LT land station"<sup>5/</sup>, a 50 watt limitation on the output power of land mobile stations, and frequency coordination, the three technical/operational limitations do not achieve the desired goal.<sup>6/</sup>

A fundamental flaw in the CICS petition is found in its engineering, which assumes a 40 dBu contour for the service areas of both the maritime and the land mobile stations. Subpart P of Part 80 of the Commission's rules prescribes a 17 dBu contour.<sup>7/</sup> The derivation of 40 dBu contour is unexplained, as is CICS' failure to reference the Part 80 Subpart P standard. Accordingly, CICS has grossly

---

<sup>5/</sup> Id. at p. 6.

<sup>6/</sup> CICS suggests that there may be other technical limitations which may enhance protection of the maritime service, e.g., limiting land mobile to a 12.5 kHz rather than a 25 kHz bandwidth for the newly created channels. Petition at n.7. ACL will not endeavor to re-engineer CICS' proposal from a technical standpoint to find a point of harmonization. As the proponent of sharing of exclusive maritime mobile spectrum, CICS has the burden of developing a sound technical basis to allow sharing without degrading the maritime service or impinging on its growth.

<sup>7/</sup> Subpart P specifically references public coast station coverage; however, inasmuch as VHF ship and coast station equipment is interchangeable, particularly from the vessel's side which customarily uses the same radio for public correspondence and operational communications, there is no reason from the standpoint of this proceeding to distinguish between public coast and port operations frequencies.

understated the coverage contour of maritime stations.<sup>8/</sup> CICS further simply adds the base station contours together without providing any protection for the mobile unit which may be operating at the fringe of the coast station's service range. This deficiency, too, understates the separation needed to protect the primary operations of the maritime coast stations.

Secondly, CICS proposes operation offset to the maritime channelling in order to reduce the interference potential.<sup>9/</sup> This analysis fails to take into account two highly relevant considerations. First, there is no analysis of maritime receiver sensitivity. The maritime environment is quite harsh; as a service providing universal access, maritime equipment does not utilize tone-coded squelch; and for much of the maritime vessel station equipment, a 12.5 kHz offset will not be materially reduce the interference potential. Secondly, while the maritime service is not

---

<sup>8/</sup> CICS' engineer calculated, on a "virtual 'worst case' analysis" a contour of 24.2 miles utilizing the 40 dBu criteria, height above average terrain of 500 feet, 50 watts power output and a 9 dBi gain antenna. Petition at. 6-7. It appears that this calculation was based upon utilization of transmitter power, not ERP, to produce the 40 dBu contour 24.2 miles. Utilizing the CICS' assumption of 400 watts ERP, 500 foot height above average terrain, a roughness factor of zero and the 17 dBu contour, the station coverage would exceed 65.75 miles.

<sup>9/</sup> Id. at 5-6.

congested in rural, land-locked areas, it is well-known that in major port areas the maritime frequencies are heavily congested. This was recognized at the World Administrative Radio Conference for the Mobile Services (Geneva, 1987), which charged the CCIR with studying enhancement of the maritime spectrum, including reduced channel spacing, use of interleaved channel separated by 12.5 kHz, etc. See, Recommendation No. 318 (MOB-87), Radio Regulations (Ed. 1990). CCIR Working Party 8B of Study Group 8, responding to the ITU directive, has recommended narrowband FM, at 12.5 kHz separation for the maritime service. See, Rev. 1 to Document 8B TEMP6-E (Dec. 18, 1991). Thus, the CICS concept of utilization of frequencies interleaved among the maritime channels already is being put into play for the maritime service itself. Within the near term, any advantage which may accrue to the land mobile community from interleaving among the maritime channels would be obviated as the maritime service itself goes to 12.5 kHz channelling.

Third, whereas CICS premises its petition upon not impinging the growth of maritime services, it proposes that land mobile stations should be allowed to become established upon meeting the geographic separation from "any existing

land station in the maritime service."<sup>10/</sup> CICS is silent as to whether the land mobile stations would bear primarily or secondary status. If primary or co-equal with maritime stations, the implementing provisions suggested by CICS is in conflict with the premise of not impinging upon the growth of the maritime service; and such a condition would be highly unacceptable to ACL which, like land mobile users, must have the flexibility to install new stations and move existing stations without limitation in the 2-3 MHz slice of the radio spectrum which is allocated to the maritime mobile service.

ACL does not have objection to the notion of land mobile users having access to the maritime mobile spectrum in areas, as cited by CICS, such as Colorado, Montana, North Dakota, and the western areas of Nebraska and Kansas.<sup>11/</sup> As set forth above, the engineering criteria set forth by CICS needs to be reexamined and appropriate criteria must be established for purposes of identifying the areas of Nebraska, Kansas, and other states which may be similarly

---

<sup>10/</sup> Id. at 6.

<sup>11/</sup> The Missouri River is navigable for commercial purposes from Kansas City to Sioux City, Iowa. This navigability establishes the primacy of the maritime service in eastern Nebraska and northeastern Kansas. Throughout the rest of those states, the maritime mobile frequencies could be available for use by other services.

situated where it may be appropriate to allow the land mobile service access to the maritime mobile frequencies on a secondary basis. ACL suggests before progressing a new proposal, that CICS coordinate its efforts with the maritime community, including the Radio Technical Commission for Maritime Services, to develop a technically appropriate basis for such inter-service sharing before advancing a new proposal to the Commission.

American Commercial Lines, Inc., respectfully urges the Federal Communications Commission to **DENY** the above-captioned proposal in accordance with the foregoing comments and recommendations.

Respectfully submitted,



Michael A. Khouri  
Senior Vice President/General Counsel  
Secretary  
**AMERICAN COMMERCIAL LINES, INC.**  
Post Office Box 610  
Jeffersonville, Indiana 47130-0610

May 28, 1992



CERTIFICATE OF SERVICE

I, Michael A. Khouri, hereby certify that the foregoing "Opposition of American Commercial Lines to Petition for Rulemaking," was served, by United States first class mail, postage prepaid, this 28th day of May, 1992, upon the individuals named below:

Marnie K. Sarver, Esquire  
1200 18th Street, N.W.  
Washington, D.C. 20036

  
\_\_\_\_\_  
Michael A. Khouri